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OFFICE OF PETITIONS

In re Application of
Douglas C. Allan, et al.
Application No. 10/699,591
Filed: October 31, 2003
Attorney Docket No. SP03-146

DECISION ON PETITION

This is a decision on the petition, filed July 10, 2006, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed August 24, 2005, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 26, 2006.

Petitioner asserts that the Notice of Non-Compliant Amendment dated January 18, 2006 was not received.

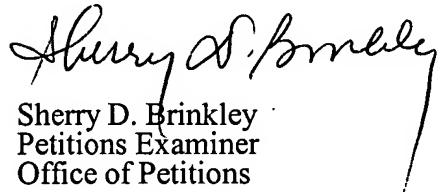
A review of the written record indicates an irregularity in the mailing of the Office action of January 18, 2006. In this regard, the Office received a Revocation and Power of Attorney (Power), including a change of address, on January 17, 2006, prior to the mailing of the Office action of January 18, 2006. Office records were not updated to reflect this new change of address. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed June 26, 2006 is hereby vacated.

It is noted that the Power submitted on January 17, 2006 was improperly accepted by the Office on February 7, 2006. The Power appears to be signed on behalf of the assignee; but it does not comply with 37 CFR 3.73(b) in that the reel and frame number where the recorded assignment appears in the assignment records of the USPTO has not been provided. Therefore, in order for the power of attorney to be acceptable, compliance with 37 CFR 3.73(b) must be satisfied. A

form for complying with the requirements of 37 CFR 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96).

In order to resolve any ambiguity in the filing of the reply, this application is being referred to the Technology Center technical support staff of Art Unit 2125 for (1) withdrawing the holding of abandonment, (2) re-mailing the Notice of Non-Compliant Amendment of January 18, 2006; and (3) restarting the period for reply.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions